



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Second Meeting Day

Tuesday Afternoon

January 8, 2008

The Senate convened at 1:30 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

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| Alting | Long |
| Arnold | Lubbers |
| Becker | Meeks |
| Boots | Merritt |
| Bray | Miller |
| Breaux | Mishler |
| Brodén | Mrvan |
| Charbonneau | Nugent |
| Deig | Paul |
| Delph | Riegsecker |
| Dillon | Rogers |
| Drozda | Simpson |
| Errington | Sipes |
| Ford | Skinner |
| Gard | Smith <input checked="" type="checkbox"/> |
| Hershman <input checked="" type="checkbox"/> | Steele |
| Howard | Tallian <input checked="" type="checkbox"/> |
| Hume | Walker |
| Jackman | Waltz |
| Kenley | Waterman |
| Kruse | Weatherwax |
| Lanane | Wyss |
| Landske | Young, M. |
| Lawson | Young, R. |
| Lewis | Zakas |

Roll Call 5: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 2 — Lubbers, Merritt, Becker, Delph, Kruse, Charbonneau (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 3 — Drozda (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 4 — Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 5 — Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 6 — Drozda (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 7 — Steele (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 8 — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 9 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning property.

SB 10 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 11 — Arnold (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 22 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 23 — Arnold (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 24 — Kenley (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 25 — Jackman (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 26 — Jackman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning

labor and safety.

SB 27 — Arnold (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 28 — Drozda (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 29 — Drozda (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 30 — Lubbers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 31 — Zakas, Landske, Broden, Arnold (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 32 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 33 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 34 — Charbonneau (Rules and Legislative Procedure)

A BILL FOR AN ACT concerning general provisions.

SB 35 — Charbonneau (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 36 — Landske (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 37 — Landske (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 38 — Meeks (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 39 — Meeks (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 40 — Meeks (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 41 — Meeks (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 42 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 43 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 44 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 45 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 46 — Gard (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 47 — Waterman (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 48 — Waterman (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 49 — Waterman (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 50 — Arnold (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 51 — Weatherwax, Landske (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 52 — Boots (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 53 — Boots (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 54 — Boots (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 55 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 56 — Waltz (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 57 — Waltz (Judiciary)

A BILL FOR AN ACT concerning corrections and to make an appropriation.

SB 58 — Waltz (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 59 — Delph (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 60 — Zakas (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 61 — Paul (Energy and Environmental Affairs)

A BILL FOR AN ACT concerning environmental law.

SB 62 — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 63 — Rogers (Health and Provider Services)

A BILL FOR AN ACT concerning health and to make an appropriation.

SB 64 — Rogers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 65 — Nugent (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 66 — Nugent (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning commercial Law.

SB 67 — Tallian (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 68 — Errington (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 69 — Errington (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 70 — Errington (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 71 — Kruse (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 72 — Kruse (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 73 — Wyss, Arnold (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

SB 74 — Deig (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 75 — Alting (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 76 — Lanane (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 77 — Zakas (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

SB 78 — Zakas (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning probate and trusts.

SB 79 — Waltz (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 80 — Ford (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 81 — Kruse (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 82 — Lewis, Steele (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 83 — Wyss, Arnold, Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT concerning motor vehicles.

SB 84 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 85 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 86 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 87 — Arnold (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

SB 88 — Meeks (Natural Resources)

A BILL FOR AN ACT concerning natural and cultural resources.

SB 89 — Lawson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 90 — Alting (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 91 — Delph, Becker, Howard, Skinner, Sipes, Waterman (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 92 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 93 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation. (Vehicle Bill)

SB 94 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 95 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation. (Vehicle Bill)

SB 96 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 97 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 98 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 99 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

SB 100 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 101 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 102 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 103 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 104 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

SB 105 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 106 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 107 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

SB 108 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

SB 109 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

SB 110 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning higher education. (Vehicle Bill)

SB 111 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 112 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 113 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

SB 114 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 115 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

SB 116 — Long (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SJR 4 — Merritt (Local Government and Elections)

A JOINT RESOLUTION proposing an amendment to Article 6 of the Constitution of the State of Indiana concerning local government.

SJR 5 — Delph, Bray (Appropriations)

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana concerning

transportation.

SJR 6 — Hume, Kenley (Tax and Fiscal Policy)

A JOINT RESOLUTION proposing an amendment to Article 8 of the Constitution of the State of Indiana concerning taxation.

SJR 8 — Waltz, M. Young (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to Articles 8, 10, and 13 of the Constitution of the State of Indiana concerning taxation.

SJR 9 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 10 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 11 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 12 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 13 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 14 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 15 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning the Constitution of the State of Indiana. (Joint Vehicle Resolution)

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 2

Senate Concurrent Resolution 2, introduced by Senator Miller:

A CONCURRENT RESOLUTION urging the legislative

council to assign to the Child Custody and Support Advisory Committee the evaluation of surrogacy issues.

Whereas, The issue of surrogacy has generated great debate within many communities;

Whereas, With the increasing demand for infertility treatment and a decline in the number of children available for adoption, surrogacy may become an alternative for childless couples; and

Whereas, Although surrogacy now offers many couples an option to help build the families they so strongly desire, it is important that the issues surrounding surrogacy be thoroughly evaluated to determine if there is a need for modification of the laws and public policy concerning surrogacy: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges that the legislative council assign to the Child Custody and Support Advisory Committee the evaluation of surrogacy issues.

SECTION 2. That the issues studied should include, but are not limited to, the facilitation of surrogacy agreements and births, how other jurisdictions regulate or penalize surrogacy births and surrogacy agreements, and current laws and regulations concerning surrogacy births and surrogacy agreements.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Concurrent Resolution 3

Senate Concurrent Resolution 3, introduced by Senator Miller:

A CONCURRENT RESOLUTION urging the legislative council to assign to the Natural Resources Study Committee the topic of the merits of completing the Knobstone Trail.

Whereas, The Knobstone Trail is Indiana's longest footpath, passing through Clark State Forest, Elk Creek Public Fishing Area, and Jackson-Washington State Forest;

Whereas, Often compared to the Appalachian Trail, the Knobstone Trail traverses miles of rugged backcountry through beautiful and valuable hardwood forests, extending from near Deam Lake, just north of SR 60 in Clark County, to Delaney Park, just east of SR 135 in Washington County;

Whereas, The Knobstone Trail, designed in the 1970s to be Indiana's premier footpath, was intended to extend approximately 140 miles along the full length of the Knobstone Escarpment to Martinsville;

Whereas, The Knobstone Trail has provided Hoosiers and visitors from around the country with a place to view the beauty of Indiana's natural surrounding and to participate in one of their favorite forms of exercise;

Whereas, Through years of use, the Knobstone Trail has deteriorated and is in need of maintenance;

Whereas, There is also a movement to complete the Knobstone Trail to extend it to the full 140 miles envisioned by its creators;

Whereas, The cooperative efforts of the Hoosier Hikers Council and the Indiana Department of Natural Resources in the 1990s have resulted in the completion of the northern third of the Knobstone Trail route from Martinsville to the northern edge of the Hoosier National Forest;

Whereas, Identification of the entire trail route by Indiana will immediately enable extension of the trail an additional 14 miles southward through the Hoosier National Forest;

Whereas, Less than 40 additional miles of land purchases and easements will be required to complete the 140 mile Knobstone Trail;

Whereas, The land acquired for the current and future Knobstone Trail will continue to yield hardwood timber, a renewable resource that generates public and private revenue as long as these forests are preserved;

Whereas, The completion of the Knobstone Trail will supply the opportunity for ecotourism in an area of Indiana that currently has too few options for economic development;

Whereas, All Hoosiers should be dedicated to promoting and protecting America's hiking trails, the natural areas that surround them, and the hiking experience itself, and;

Whereas, The Knobstone Trail is an important part of our Hoosier heritage and should be maintained and completed as it was originally envisioned so that future generations of Americans can enjoy hiking for years to come: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to assign to the Natural Resources Study Committee the topic of the merits of completing the Knobstone Trail.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the Director of the Indiana Department of Natural Resources and the Hoosier Hikers Council.

The resolution was read in full and referred to the Committee on Natural Resources.

Senate Concurrent Resolution 4

Senate Concurrent Resolution 4, introduced by Senator Miller:

A CONCURRENT RESOLUTION encouraging all schools to conduct a veterans' ceremony.

Whereas, The men and women of our armed forces, active, reserve, and National Guard, have proven by their outstanding performance of duty in places around the world and in a wide variety of missions from combat to disaster relief that military service is unique and provides great service to our nation;

Whereas, Indiana's veterans display the spirit of patriotism, the love of country, and the willingness to serve and sacrifice for the common good, which have always helped to make our country and state great; and

Whereas, It is proper for the citizens of Indiana to remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly encourages all schools to conduct a veterans' ceremony dedicated to honoring our brave men and women who have served their country honorably, placing themselves in harm's way, in order to ensure freedom for future generations.

SECTION 2. That this ceremony should be held on or near November 11 and should recognize all branches of the armed forces.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to Dr. Suellen Reed, Superintendent of Public Instruction, and the head of each Indiana school corporation.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Concurrent Resolution 5

Senate Concurrent Resolution 5, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana Department of Natural Resources to include in its budget the necessary funds to help finance the expansion of the Falls of the Ohio State Park Interpretive Center.

Whereas, One of the great wonders of the natural world exists at the Falls of the Ohio;

Whereas, The Falls of the Ohio stands as proof that an ocean and coral reef existed more than 350 million years ago in Clark County;

Whereas, Today the coral reef stretches from Louisville to Indianapolis, exposed only at the Falls of the Ohio and a few limestone quarries in Indiana;

Whereas, The Falls of the Ohio is the only place in the world where such a large, exposed fossil reef of this period exists;

Whereas, More than 220 acres of exposed, Devonian age fossil beds make up the Falls of the Ohio, the site of the Falls of the Ohio State Park;

Whereas, In 1966, the National Park Service designated the Falls of the Ohio as a National Natural Landmark;

Whereas, In addition to the great natural wonder that exists at the Falls of the Ohio, it is also the place where, in October 1803, Meriwether Lewis and William Clark first came together to plan and prepare for their expedition west;

Whereas, The Corps of Discovery departed for the West from Clarksville, Indiana, on October 26, 1803;

Whereas, On July 13, 2001, the National Park Service certified the Falls of the Ohio State Park as an official Lewis and Clark site associated with the Lewis and Clark National Historic Trail;

Whereas, The Falls of the Ohio Foundation began in 1987 to promote, protect, and educate people about the Falls of the Ohio;

Whereas, The Falls of the Ohio Foundation led a campaign to raise money to build the Falls of the Ohio Interpretive Center;

Whereas, The \$6.9 million Falls of the Ohio Interpretive Center was opened in 1994;

Whereas, The Falls of the Ohio Foundation donated the Interpretive Center to the Indiana Department of Natural Resources;

Whereas, The Falls of the Ohio Interpretive Center is in need of expansion and remodeling;

Whereas, The Falls of the Ohio Foundation has begun a new campaign to raise money to expand and remodel the Interpretive Center;

Whereas, The members of the Natural Resources Study Committee have considered and adopted this resolution; and

Whereas, Through the efforts of park staff and the Falls of the Ohio Interpretive Center, Hoosiers and visitors to our state will have the opportunity to view one of the great natural wonders of the world and to become more aware of the historical events that took place in the area that is now the Falls of the Ohio State Park: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the importance of the Falls of the Ohio State Park Interpretive Center to today's Hoosiers and to future generations.

SECTION 2. That the Indiana General Assembly encourages

the Indiana Department of Natural Resources to request funds for the expansion of the Falls of the Ohio Interpretive Center in the department's 2009-2011 budget request.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to the Director of the Indiana Department of Natural Resources and the President of the Falls of the Ohio Foundation.

The resolution was read in full and referred to the Committee on Natural Resources.

Senate Concurrent Resolution 6

Senate Concurrent Resolution 6, introduced by Senator Paul:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge on U.S. Highway 40 in Richmond "The Lamar Lundy Bridge."

Whereas, Lamar Lundy passed away on February 24, 2007, at the age of 71;

Whereas, Lamar Lundy battled life threatening illnesses with unyielding character and faith;

Whereas, Lamar Lundy was considered one of the best all-around athletes ever in Indiana and was a model for today's fast, strong defensive ends in football;

Whereas, Born on April 17, 1935, in Richmond, Lamar Lundy helped lead Richmond High School to unbeaten football seasons in 1952 and 1953 and to the basketball state finals in 1953;

Whereas, Lamar Lundy earned all-state honors in football and basketball and was a member of the Indianapolis Star Indiana All-Star team;

Whereas, The first black player to receive a football scholarship to Purdue University, Lamar Lundy remains the only Boilermaker ever selected as the most valuable player for both basketball and football;

Whereas, Drafted by both the National Football League and the National Basketball Association, Lamar Lundy chose to play football;

Whereas, He played for the Los Angeles Rams for his entire career and was a member of the Fearsome Foursome (Lundy, Merlin Olsen, Rosey Grier, and Deacon Jones) who set a league record in 1968 for the fewest yards allowed during a 14-game season;

Whereas, In recognition of his amazing athletic accomplishments, Lamar Lundy was inducted into the Indiana Basketball Hall of Fame and the Indiana Football Hall of Fame;

Whereas, Lamar Lundy returned to Richmond in 1987; and

Whereas, Lamar Lundy faced all obstacles with dignity and grace; he worked hard throughout his life and never gave up: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to name the bridge on U.S. Highway 40 in Richmond "The Lamar Lundy Bridge," a fitting symbol of the solid foundation he received growing up in Richmond.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the commissioner of the Indiana Department of Transportation and the members of Lamar Lundy's family.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 117 — Charbonneau (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 118 — Boots (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 119 — Kruse (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 120 — M. Young (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 121 — Riegsecker (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 122 — Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 123 — Jackman (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 124 — Delph (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 125 — Waltz (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning

courts and court officers.

SB 126 — Waltz (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 127 — Mrvan (Local Government and Elections)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning utilities and transportation.

SB 128 — Mrvan (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 129 — Mrvan (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 130 — Arnold (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 131 — Lanane (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 132 — Drozda (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 133 — Meeks (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 134 — Meeks (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 135 — Meeks (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 136 — M. Young (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 137 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 138 — Riegsecker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 139 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 140 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning

civil procedure.

SB 141 — Alting (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 142 — Hume, Weatherwax (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 144 — Lawson (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 145 — Errington (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 146 — Miller, Drozda (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 147 — Miller (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 148 — Miller (Health and Provider Services)

A BILL FOR AN ACT to repeal certain provisions of the Indiana Code concerning human services.

SB 149 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 150 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 151 — Miller (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

SB 152 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 153 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 154 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 155 — Miller (Health and Provider Services)

A BILL FOR AN ACT concerning human services.

SB 156 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 157 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SJR 16 — Weatherwax (Tax and Fiscal Policy)

A JOINT RESOLUTION proposing an amendment to Articles 8, 10, and 13 of the Constitution of the State of Indiana concerning taxation.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 8

Senate Concurrent Resolution 8, introduced by Senator Dillon:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the part of US Highway 24 running through Wabash in honor of State Police Master Trooper Detective David Rich.

Whereas, Master Trooper Detective David Rich was killed in the line of duty on July 5, 2007;

Whereas, Master Trooper Detective Rich was shot and killed while investigating an apparent stranded vehicle on U.S. Highway 24 near State Road 115, one mile west of Wabash;

Whereas, While on his way home dressed in plain clothes and driving an unmarked car, Master Trooper Detective Rich stopped to help what he thought was a motorist stranded along the side of the road;

Whereas, Unaware that the driver was driving a sport utility vehicle that had been reported stolen on the previous day, he approached the vehicle and was shot by the driver;

Whereas, Master Trooper Detective Rich served on the state police force for 18 years and was assigned to the Peru post as a detective;

Whereas, Master Trooper Detective Rich was a devoted husband and a loving father and son; these qualities endeared him to all who knew him;

Whereas, Master Trooper Detective Rich will be greatly missed by his family, his friends, his brothers in the state police, and the citizens of Indiana; and

Whereas, Master Trooper Detective Rich is a hero who came from a family of heroes who served their state honorably and without fear: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly expresses its deepest regrets to the family of Master Trooper Detective David Rich and thanks them for his years of dedicated service to the citizens of Indiana.

SECTION 2. That the Indiana General Assembly urges the Indiana Department of Transportation to name the part of U.S. Highway 24 that runs through Wabash in honor of State Police Master Trooper Detective David Rich.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to his wife Connie, his parents, and his brother and sister.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 158 — Nugent (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 159 — Gard (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 160 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 161 — Waltz, Hershman (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation and to make an appropriation.

SB 162 — R. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 163 — Wyss, Rogers (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

SB 164 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 165 — Miller (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 166 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 167 — Landske (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 168 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning

education. (Vehicle Bill)

SB 169 — Dillon (Health and Provider Services)

A BILL FOR AN ACT concerning health.

SB 170 — Dillon (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 171 — Lanane (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 172 — Kruse (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 173 — Boots (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 174 — M. Young (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 175 — Merritt (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 176 — Merritt (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 177 — Merritt (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 178 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 179 — Lubbers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 180 — Lubbers (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 181 — Errington (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 182 — Alting (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 183 — Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 184 — Zakas (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 185 — Zakas (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 186 — Lubbers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 187 — Drozda (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 188 — Ford (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

SB 189 — Ford, Landske, Arnold, Broden (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 190 — Ford, Landske, Arnold, Broden (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 191 — Deig (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 192 — Deig, Becker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 193 — Deig (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 194 — Wyss (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 195 — M. Young (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 196 — Ford (Local Government and Elections)

A BILL FOR AN ACT concerning local government.

SB 197 — Ford (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 198 — Paul (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 199 — Gard, Bray (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 200 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 201 — Miller (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 202 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 203 — Walker (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 204 — Walker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 205 — Walker (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 206 — Walker (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 207 — Walker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 208 — Tallian (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 209 — Tallian (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 210 — Tallian (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 211 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 212 — Bray (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 213 — R. Young (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning

environmental law.

SB 214 — R. Young (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 215 — Landske (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

SB 216 — Simpson, Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 217 — Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 218 — Simpson (Health and Provider Services)

A BILL FOR AN ACT concerning state and local administration.

SB 219 — Simpson (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 220 — Simpson (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 221 — Simpson (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 222 — Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 223 — Hershman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 224 — Hershman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 225 — Hershman (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 226 — Hershman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 227 — Becker (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 228 — Jackman (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning

state offices and administration.

SB 229 — Jackman (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 230 — Becker (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 231 — Mrvan (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 232 — Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 233 — Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 234 — Kenley (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 235 — Landske (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 236 — Weatherwax (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 237 — Weatherwax (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 238 — Weatherwax (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 239 — Weatherwax (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 240 — Waterman (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 241 — Arnold, Wyss (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 242 — Arnold (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 243 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration. (Vehicle Bill)

SB 244 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 245 — Boots (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SJR 7 — Hershman, Boots, Bray, Charbonneau, Delph, Dillon, Drozda, Jackman, Kruse, Nugent, Waterman, Weatherwax, M. Young (Judiciary)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana by adding a new Section concerning the definition of marriage.

SJR 17 — Merritt, Delph (Local Government and Elections)

A JOINT RESOLUTION proposing an amendment to Article 6 of the Constitution of the State of Indiana concerning local government.

REPORT OF THE PRESIDENT PRO TEMPORE

SENATE MOTION

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 46, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Energy and Environmental Affairs.

LONG

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning Alcohol and Tobacco.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-3-12-4, AS AMENDED BY P.L.165-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment shall not annually sell more than ~~five hundred thousand (500,000)~~ **one million (1,000,000)** gallons of wine in Indiana, excluding wine shipped to an out-of-state address.

SECTION 2. IC 7.1-3-26-7, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The commission may issue a direct wine seller's permit to an applicant who meets all of the following requirements:

(1) The applicant is domiciled and has its principal place of business in the United States.

(2) The applicant is engaged in the manufacture of wine.

(3) The applicant holds and acts within the scope of authority of an alcoholic beverage license or permit to manufacture wine that is required:

(A) in Indiana or the state where the applicant is domiciled; and

(B) by the Tax and Trade Bureau of the United States Department of the Treasury.

(4) The applicant qualifies with the secretary of state to do business in Indiana and consents to the personal jurisdiction of the commission and the courts of Indiana.

(5) The applicant files a surety bond with the commission in accordance with IC 7.1-3-1, or deposits cash in an escrow account with the commission, in the amount required of an applicant for a vintner's permit under IC 7.1-3-1-7.

(6) The applicant:

(A) does not hold a permit or license to wholesale alcoholic beverages issued by any authority; and

(B) is not owned in whole or in part or controlled by a person who holds a permit or license to wholesale alcoholic beverages.

(7) The applicant sells not more than ~~five hundred thousand (500,000)~~ **one million (1,000,000)** gallons of wine per year in Indiana, excluding wine shipped to an out-of-state address.

(8) The applicant has not distributed wine through a wine wholesaler in Indiana within the one hundred twenty (120) days immediately preceding the applicant's initial application for a direct wine seller's permit or the applicant has operated as a farm winery under IC 7.1-3-12.

(9) The applicant is not the parent, subsidiary, or affiliate of another entity manufacturing any alcoholic beverage.

(10) The applicant completes documentation regarding the applicant's application required by the commission.

(b) The commission may issue a direct wine seller's permit to an applicant who:

(1) meets the requirements under subsection (a); and

(2) holds a permit issued under this title that allows the sale of an alcoholic beverage at retail.

SECTION 3. IC 7.1-3-26-12, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. During a permit year, a direct wine seller may not direct ship in Indiana more than ~~twenty-seven thousand (27,000)~~ **ninety thousand (90,000)** liters of wine.

(Reference is to SB 107 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Commerce, Public Policy and Interstate Cooperation.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-18.5-3, AS AMENDED BY P.L.224-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as not being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, that was used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of subsection (b) for that preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount determined under subsection (c).

STEP SEVEN: Determine the greater of the amount determined under STEP FIVE or the amount determined under STEP SIX.

(b) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of this subsection for that preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount determined under subsection (c).

STEP SEVEN: Determine the greater of the amount determined under STEP FIVE or the amount determined under STEP SIX.

STEP EIGHT: Subtract the amount determined under STEP FIVE of subsection (e) from the amount determined under STEP SEVEN of this subsection.

(c) The amount to be entered under STEP SIX of subsection (a) or STEP SIX of subsection (b), as applicable, equals the sum of the following:

(1) If a civil taxing unit in the immediately preceding calendar year provided an area outside its boundaries with services on a contractual basis and in the ensuing calendar year that area has been annexed by the civil taxing unit, the amount to be entered under STEP SIX of subsection (a) or STEP SIX of subsection (b), as the case may be, equals the amount paid by the annexed area during the immediately preceding calendar year for services that the civil taxing unit must provide to that area during the ensuing calendar year as a result of the annexation.

(2) If the civil taxing unit has had an excessive levy appeal approved under section 13(1) of this chapter for the ensuing calendar year, an amount determined by the civil taxing unit for the ensuing calendar year that does not exceed the amount of that excessive levy.

In all other cases, the amount to be entered under STEP SIX of subsection (a) or STEP SIX of subsection (b), as the case may be, equals zero (0).

(d) This subsection applies only to civil taxing units located in a county having a county adjusted gross income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) of one percent (1%) as of January 1 of the ensuing calendar year. For each civil taxing unit, the amount to be added to the amount determined in subsection (e), STEP FOUR, is determined using the following formula:

STEP ONE: Multiply the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year by two percent (2%).

STEP TWO: For the determination year, the amount to be used as the STEP TWO amount is the amount determined

in subsection (f) for the civil taxing unit. For each year following the determination year the STEP TWO amount is the lesser of:

- (A) the amount determined in STEP ONE; or
- (B) the amount determined in subsection (f) for the civil taxing unit.

STEP THREE: Determine the greater of:

- (A) zero (0); or
- (B) the civil taxing unit's certified share for the ensuing calendar year minus the greater of:
 - (i) the civil taxing unit's certified share for the calendar year that immediately precedes the ensuing calendar year; or
 - (ii) the civil taxing unit's base year certified share.

STEP FOUR: Determine the greater of:

- (A) zero (0); or
- (B) the amount determined in STEP TWO minus the amount determined in STEP THREE.

Add the amount determined in STEP FOUR to the amount determined in subsection (e), STEP THREE, as provided in subsection (e), STEP FOUR.

(e) For each civil taxing unit, the amount to be subtracted under subsection (b), STEP EIGHT, is determined using the following formula:

STEP ONE: Determine the lesser of the civil taxing unit's base year certified share for the ensuing calendar year, as determined under section 5 of this chapter, or the civil taxing unit's certified share for the ensuing calendar year.

STEP TWO: Determine the greater of:

- (A) zero (0); or
- (B) the remainder of:
 - (i) the amount of federal revenue sharing money that was received by the civil taxing unit in 1985; minus
 - (ii) the amount of federal revenue sharing money that will be received by the civil taxing unit in the year preceding the ensuing calendar year.

STEP THREE: Determine the lesser of:

- (A) the amount determined in STEP TWO; or
- (B) the amount determined in subsection (f) for the civil taxing unit.

STEP FOUR: Add the amount determined in subsection (d), STEP FOUR, to the amount determined in STEP THREE.

STEP FIVE: Subtract the amount determined in STEP FOUR from the amount determined in STEP ONE.

(f) As used in this section, a taxing unit's "determination year" means the latest of:

- (1) calendar year 1987, if the taxing unit is treated as being located in an adopting county for calendar year 1987 under section 4 of this chapter;
- (2) the taxing unit's base year, as defined in section 5 of this chapter, if the taxing unit is treated as not being located in an adopting county for calendar year 1987 under section 4 of this chapter; or
- (3) the ensuing calendar year following the first year that the taxing unit is located in a county that has a county adjusted gross income tax rate of more than one-half percent (0.5%) on July 1 of that year.

The amount to be used in subsections (d) and (e) for a taxing unit depends upon the taxing unit's certified share for the ensuing calendar year, the taxing unit's determination year, and the county adjusted gross income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) that is in effect in the taxing unit's county on July 1 of the year preceding the ensuing calendar year. For the determination year and the ensuing calendar years following the taxing unit's determination year, the amount is the taxing unit's certified share for the ensuing calendar year multiplied by the appropriate factor prescribed in the following table:

COUNTIES WITH A TAX RATE OF 1/2%

| Year | Subsection (e) Factor |
|--|--------------------------|
| For the determination year and each ensuing calendar year following the determination year | 0 |

COUNTIES WITH A TAX RATE OF 3/4%

| Year | Subsection (e) Factor |
|--|--------------------------|
| For the determination year and each ensuing calendar year following the determination year | 1/2 |

COUNTIES WITH A TAX RATE OF 1.0%

| Year | Subsection (d) Factor | Subsection (e) Factor |
|---|--------------------------|--------------------------|
| For the determination year | 1/6 | 1/3 |
| For the ensuing calendar year following the determination year | 1/4 | 1/3 |
| For the ensuing calendar year following the determination year by two (2) years | 1/3 | 1/3 |

(g) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a civil taxing unit that is located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30. Notwithstanding any provision in this section or any other section of this chapter and except as provided in subsection (h), the maximum permissible ad valorem property tax levy calculated under this section for the ensuing calendar year for a civil taxing unit subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current calendar year.

(h) This subsection applies only to property taxes first due and payable after December 31, 2007. In the case of a civil taxing unit that:

- (1) is partially located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30; and
- (2) is partially located in a county that is not described in subdivision (1);

the department of local government finance shall, notwithstanding subsection (g), adjust the portion of the civil taxing unit's maximum permissible ad valorem property tax levy that is attributable (as determined by the department of local government finance) to the county or counties described in

subdivision (2). The department of local government finance shall adjust this portion of the civil taxing unit's maximum permissible ad valorem property tax levy so that, notwithstanding subsection (g), this portion is allowed to increase as otherwise provided in this section. If the department of local government finance increases the civil taxing unit's maximum permissible ad valorem property tax levy under this subsection, any additional property taxes imposed by the civil taxing unit under the adjustment shall be paid only by the taxpayers in the county or counties described in subdivision (2).

SECTION 2. IC 6-1.1-18.5-13, AS AMENDED BY P.L.196-2007, SECTION 2, AND AS AMENDED BY P.L.224-2007, SECTION 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. With respect to an appeal filed under section 12 of this chapter, the local government tax control board (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

(1) ~~A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.~~ Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. **With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:**

(A) **The first calendar year in which those costs are incurred.**

(B) **One (1) or more of the immediately succeeding four (4) calendar years.**

(2) ~~A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.~~ Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in

which it is in existence. For purposes of this subdivision, costs of operating a court include:

- (A) the cost of personal services (including fringe benefits);
- (B) the cost of supplies; and
- (C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5 does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) ~~A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.~~ Permission to the civil taxing unit to

increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and

IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the

civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township,

enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.* Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(13) *A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2009.* Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter.

SECTION 3. IC 13-18-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The persons involved shall negotiate the terms for connection and service under this chapter.

(b) If service is ordered under this chapter, a receiver of that service that is located in an unincorporated area may grant a waiver to a municipality providing the service. A waiver under this section:

(1) must waive the receiver's right of remonstrance against annexation of the areas in which the service is to be provided; and

(2) may be one (1) of the terms for connection and service described in subsection (a).

~~(c) The waiver, if granted:~~

~~(1) shall be noted on the deed of each property affected and recorded as provided by law; and~~

~~(2) is considered a covenant running with the land.~~

(c) Notwithstanding any other law, a waiver executed after June 30, 2008, by a receiver of the service is not:

(1) a covenant that runs with the land; or

(2) binding on the receiver's successors in title to the real property.

(d) A waiver expires three (3) years after the date the waiver is executed.

SECTION 4. IC 36-4-3-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.2. As used in this chapter, "department" refers to the department of local government finance.**

SECTION 5. IC 36-4-3-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.7. (a) A municipality may initiate an annexation of territory as follows:**

(1) If the municipality is annexing territory described in section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter, by adopting an annexation ordinance after notice and a public hearing under section 2.1 of this chapter.

(2) If all property owners in the territory provide written consent to the annexation, by adopting an annexation ordinance after:

(A) receiving approval of the fiscal plan under section 6.5 of this chapter; and

(B) notice under section 2.2 of this chapter and a public hearing under section 2.1 of this chapter.

(b) Landowners may initiate an annexation of territory by filing a petition under section 5 or 5.1 of this chapter.

SECTION 6. IC 36-4-3-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.8. A municipality may not annex a lake or pond of at least twenty (20) acres unless the entire boundary of the municipality surrounds the lake or pond.**

SECTION 7. IC 36-4-3-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) This section does not apply to an annexation under section 5.1 of this chapter.

(b) A municipality may adopt an ordinance under this chapter only after the legislative body has held a public hearing

concerning the proposed annexation. The municipality shall hold the public hearing not earlier than sixty (60) days after the date the ordinance is introduced. All interested parties must have the opportunity to testify as to the proposed annexation. Except as provided in subsection (d), notice of the hearing shall be:

(1) published in accordance with IC 5-3-1 except that the notice shall be published at least sixty (60) days before the hearing; and

(2) mailed as set forth in section 2.2 of this chapter, if section 2.2 of this chapter applies to the annexation.

(c) A municipality may adopt an ordinance under this chapter not earlier than thirty (30) days or not later than sixty (60) days after the legislative body has held the public hearing under subsection (b).

(d) This subsection applies to an annexation ~~under section 3 or 4~~ **described in section 1.7(a)(2)** of this chapter in which all property owners within the area to be annexed provide written consent to the annexation. Notice of the hearing shall be:

(1) published one (1) time at least twenty (20) days before the hearing in accordance with IC 5-3-1; and

(2) mailed as set forth in section 2.2 of this chapter.

SECTION 8. IC 36-4-3-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.2. **(a) This section applies to an annexation described in section 1.7(a)(2) of this chapter or under section 5 of this chapter.**

~~(a)~~ **(b)** This section does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter or an annexation described in section 5.1 of this chapter.

~~(b)~~ **(c)** Before a municipality may annex territory, the municipality shall provide written notice of the hearing required under section 2.1 of this chapter. Except as provided in subsection ~~(c)~~ **(f)**, the notice must be sent by certified mail at least sixty (60) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed.

~~(c)~~ **(d)** The notice required by this section must include the following:

(1) A legal description of the real property proposed to be annexed.

(2) The date, time, location, and subject of the hearing.

(3) A map showing the current municipal boundaries and the proposed municipal boundaries.

(4) Current zoning classifications for the area proposed to be annexed and any proposed zoning changes for the area proposed to be annexed.

(5) A detailed summary of the fiscal plan described in section 13 of this chapter.

(6) The location where the public may inspect and copy the fiscal plan.

(7) A statement that the municipality will provide a copy of the fiscal plan ~~after the fiscal plan is adopted~~ immediately to any landowner in the annexed territory who requests a copy **at no charge.**

(8) The name and telephone number of a representative of the municipality who may be contacted for further information.

~~(d)~~ **(e)** If the municipality complies with this section, the

notice is not invalidated if the owner does not receive the notice.

~~(f)~~ **(f)** This subsection applies to an annexation ~~under section 3 or 4 described in section 1.7(a)(2)~~ of this chapter in which all property owners within the area to be annexed provide written consent to the annexation. The written notice described in this section must be sent by certified mail not later than twenty (20) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed.

SECTION 9. IC 36-4-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) **Subject to subsection (b)**, the legislative body of a municipality may, by an ordinance defining the corporate boundaries of the municipality, annex territory that is contiguous to the municipality. ~~subject to subsection (b)~~.

(b) If territory that was not contiguous (under section 1.5 of this chapter) was annexed in proceedings begun before May 1, 1981, an ordinance adopted after April 30, 1981, may not annex additional territory that is contiguous when the contiguity is based on the additional territory's boundaries with the previously annexed territory.

(c) Subsection (b) does not apply when the previously annexed territory has been used as a part of the contiguous boundary of separate parcels of land successfully annexed to the municipality before May 1, 1981.

(d) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance described by subsection (a) must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 10. IC 36-4-3-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.1. **(a) This section applies only to an annexation described in section 1.7(a)(2) of this chapter or under section 5 or 5.1 of this chapter.**

~~(a)~~ **(b)** This section does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter.

~~(b)~~ **(c)** A municipality shall develop and adopt a written fiscal plan and establish a definite policy by resolution of the legislative body that meets the requirements set forth in section 13 of this chapter. **The department must approve the fiscal plan under section 6.5 of this chapter before the municipality may adopt an annexation ordinance.**

~~(c)~~ Except as provided in subsection (d), the municipality shall establish and adopt the written fiscal plan, before mailing the notification to landowners in the territory proposed to be annexed under section 2-2 of this chapter.

~~(d)~~ In an annexation under section 5 or 5.1 of this chapter, the municipality shall establish and adopt the written fiscal plan before adopting the annexation ordinance.

(d) A municipality may not amend the fiscal plan after the department approves the fiscal plan under section 6.5 of this chapter.

SECTION 11. IC 36-4-3-4.1, AS AMENDED BY P.L.71-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.1. (a) The legislative body of a municipality may, by ordinance annex

territory that:

- (1) is contiguous to the municipality;
- (2) in the case of a town having a population of more than:
 - (A) fifteen thousand (15,000); or
 - (B) five thousand (5,000) but less than six thousand three hundred (6,300);
 located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000), has its entire area within the township within which the town is primarily located; and
- (3) is owned by a property owner who consents to the annexation.

(b) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property's zoning classification remains agricultural. However, if the annexation ordinance annexing the territory is adopted after June 30, 2006, the property tax liability under IC 6-1.1 for municipal purposes may be exempted for a period of not more than ten (10) years.

(c) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

(d) Territory annexed under this section may not be considered a part of the municipality for purposes of annexing additional territory under section ~~3 or 4~~ **1.7(a)** of this chapter. However, territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or 5.1 of this chapter.

SECTION 12. IC 36-4-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

- (1) signed by at least:
 - (A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or
 - (B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and
- (2) requesting an ordinance annexing the area described in the petition.

(b) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(c) ~~Except as provided in section 5.1 of this chapter,~~ If the legislative body fails to pass the ordinance within ~~the later of one hundred fifty (150) days after the date of filing of a petition under subsection (a)~~ **or the disposition of a petition for approval of the annexation fiscal plan under section 6.5 of this chapter**, the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in

the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(d) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

- (1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;
- (2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;
- (3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and
- (4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(e) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 13. IC 36-4-3-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 6.5. (a) Before a municipality adopts an annexation ordinance, the municipality must file a certified petition with the department for approval of the municipality's annexation fiscal plan. The municipality shall submit the following with the certified petition:**

- (1) The proposed annexation ordinance.
- (2) The written fiscal plan.
- (3) If the petitioning municipality is a city, the name and mailing address of the mayor.
- (4) If the petitioning municipality is a town, the name and mailing address of the president of the town council.
- (5) The name and address of each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed.
- (6) Any other information considered necessary by the department.

(b) Upon receipt of a certified petition, the department shall fix a date, time, and place for a hearing on the matter. The department shall hold the hearing:

- (1) not less than five (5) and not more than thirty (30) days after the department receives the petition; and
- (2) in the municipality that filed the petition.

(c) At least ten (10) days before the date fixed for the hearing, the department shall give notice of the hearing, by first class mail, to the following:

- (1) If the petitioning municipality is a city, notice shall be given to the mayor at the address provided under subsection (a)(3).

(2) If the petitioning municipality is a town, notice shall be given to the president of the town council at the address provided under subsection (a)(4).

(3) Notice shall be given to each owner of real property at the addresses provided under subsection (a)(5).

(d) At the hearing, the department shall consider the written plan and the information presented. The department shall determine if:

- (1) the written fiscal plan and the information presented at the hearing establish the requirements set out in section 13(a) of this chapter;
- (2) the written fiscal plan permits the landowners in the annexation territory to make an informed decision about accepting annexation;
- (3) the written fiscal plan and the information presented at the hearing provides sufficient information to enable the department to determine the municipality's ability to provide the required services to the annexed territory; and
- (4) the written fiscal plan protects the rights of the landowners to institute proceedings to force an annexing municipality to provide the services promised under the fiscal plan.

(e) After the hearing, the department may approve or disapprove the fiscal plan. The department must render a decision not later than three (3) months after the hearing, and if no decision is rendered within that time, the fiscal plan is considered approved unless the department takes the extension provided in this section. A three (3) month extension of the period during which the decision must be rendered may be taken by the department if the department gives notice by mail of the extension to the persons under subsection (a), at least ten (10) days before the end of the original three (3) month period. If no decision is rendered within the extension period, the fiscal plan is considered approved.

(f) A:

- (1) person referred to in subsection (a)(5); or
- (2) petitioning city or town;

may petition for judicial review of the final determination of the department under subsection (e). The petition must be filed in the circuit or superior court of the county where the municipality is located not more than forty-five (45) days after the department renders its decision under subsection (e).

(g) The department shall publish notice under IC 5-3-1 in each county where the annexed territory is located of the:

- (1) approval or denial of the fiscal plan; and
- (2) approval or denial of the fiscal plan after the final disposition of all appeals;

in accordance with IC 5-3-1 in each county where the annexed territory is located. If the petition is denied, the annexation may not proceed, but the municipality may make further attempts to annex the territory or any part of the territory.

SECTION 14. IC 36-4-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. (a) After an annexation ordinance is adopted, under section 3, 4, 5 or 5.1 of**

~~this chapter~~, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance ~~described in subsection (d) or adopted under section 3, 4, 5 or 5.1 of this chapter~~ may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 15. IC 36-4-3-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.2. (a) This section applies to an annexation ordinance adopted after December 31, 2006.**

(b) If the most recent examination report of a municipality under IC 5-11-1-25 is critical of the municipality

based upon the municipality's failure to observe a uniform compliance guideline or a specific law as set forth in IC 5-11-5-1, any annexation ordinance that has:

- (1) been adopted by the municipality; and**
- (2) not taken effect;**

is void.

(c) If an annexation ordinance is void under this section, a municipality is not prohibited under section 15 of this chapter from further annexation attempts. However, a municipality may not make any further annexation attempts until the municipality is issued an examination report under IC 5-11-1-25 that is not critical of the municipality as described in subsection (b).

SECTION 16. IC 36-4-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This section does not apply to an ordinance adopted under section 5 or 5.1 of this chapter.

(b) An ordinance ~~adopted under section 3 or 4 of this chapter described in section 1.7(a) of this chapter~~ must include terms and conditions fairly calculated to make the annexation equitable to the property owners and residents of the municipality and the annexed territory. The terms and conditions may include:

- (1) postponing the effective date of the annexation for not more than three (3) years; and
- (2) establishing equitable provisions for the future management and improvement of the annexed territory and for the rendering of needed services.

(c) This subsection applies to territory sought to be annexed that meets all of the following requirements:

- (1) The resident population density of the territory is at least three (3) persons per acre.
- (2) The territory is subdivided or is parceled through separate ownerships into lots or parcels such that at least sixty percent (60%) of the total number of lots and parcels are not more than one (1) acre.

This subsection does not apply to an ordinance annexing territory described in section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter. The ordinance must include terms and conditions impounding in a special fund all of the municipal property taxes imposed on the annexed territory after the annexation takes effect that are not used to meet the basic services described in section 13(d)(4) and 13(d)(5) of this chapter for a period of at least three (3) years. The impounded property taxes must be used to provide additional services that were not specified in the plan of annexation. The impounded property taxes in the fund shall be expended as set forth in this section, not later than five (5) years after the annexation becomes effective.

SECTION 17. IC 36-4-3-11, AS AMENDED BY P.L.111-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) Except as provided in section 5.1(i) of this chapter and subsections (d) and ~~(e)~~, **subsection (d)**, whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:

- (1) at least ~~sixty-five percent (65%)~~ **fifty-one percent (51%)** of the owners of land in the annexed territory; or
- (2) the owners of more than seventy-five percent (75%) in

assessed valuation of the land in the annexed territory.

The remonstrance must be filed within ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter, must be accompanied by a copy of that ordinance, and must state the reason why the annexation should not take place.

(b) On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether signers of the remonstrance are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section.

(c) If the court determines that the remonstrance is sufficient, it shall fix a time, within sixty (60) days of its determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(d) If an annexation is initiated by property owners under section 5.1 of this chapter and all property owners within the area to be annexed petition the municipality to be annexed, a remonstrance to the annexation may not be filed under this section.

(e) This subsection applies if:

(1) the territory to be annexed consists of not more than one hundred (100) parcels; and

(2) eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality.

An annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by at least seventy-five percent (75%) of the owners of land in the annexed territory as determined under subsection (b):

SECTION 18. IC 36-4-3-11.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 11.4. (a) This section applies to a waiver of the right of remonstrance against annexation executed after June 30, 2008.**

(b) As used in this section, "waiver" refers to a waiver of the right of remonstrance against annexation.

(c) Notwithstanding any other law, a waiver executed by a purchaser or owner of real property is not:

(1) a covenant that runs with the land; or

(2) binding on the purchaser's or owner's successors in title to the real property.

(d) A waiver expires three (3) years after the date the waiver is executed.

SECTION 19. IC 36-4-3-13, AS AMENDED BY P.L.111-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 13. (a) Except as provided in subsections (e) and (g), (f), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:**

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the

evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy by resolution of the legislative body as set forth in section 3.1 of this chapter. **The fiscal plan must be approved by the department under section 6.5 of this chapter before the municipality may adopt an annexation ordinance.** The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density,

and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the conditions set forth in clauses (A) through ~~(D)~~ and, if applicable, clause ~~(E)~~ (C) exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

~~(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).~~

~~(D)~~ (C) One (1) of the following opposes the annexation:

(i) At least ~~sixty-five percent (65%)~~ **fifty-one percent (51%)** of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

~~(E) This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.~~

~~(f) The municipality under subsection (c)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:~~

~~(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or~~

~~(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.~~

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

~~(g)~~ (f) This subsection applies only to cities located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one

(1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) One (1) of the following opposes the annexation:

(i) A majority of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

~~(h)~~ (g) The most recent:

(1) federal decennial census;

(2) federal special census;

(3) special tabulation; or

(4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

SECTION 20. IC 36-5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The county executive must obtain the consent by ordinance of the legislative body of a consolidated city before incorporating a town if any part of the proposed town is within four (4) miles of the corporate boundaries of the city.

(b) The county executive must obtain the consent by ordinance of the legislative body of a second or third class city before incorporating a town if any part of the proposed town is within three (3) miles of the corporate boundaries of the city.

(c) Subsection (b) does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) Subsections (a) and (b) do not apply if the proposed town has an assessed value of at least seven hundred fifty million dollars (\$750,000,000) as shown by the most recent assessment.

SECTION 21. IC 36-9-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in which the real property of the owners is located. The contract

must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

- (1) did not contribute to the original cost of the sewage works; and
- (2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to it unless it has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of the parties to the contract ~~and their successors in title~~ to remonstrate against pending or future annexations by the municipality of the area served by the sewage works ~~Any person tapping into or connecting to the sewage works contracted for is considered to waive his rights to remonstrate against the annexation of the area served by the sewage works. for a period not more than three~~ (3) years after the date the contract is executed.

(d) Notwithstanding any other law, a release executed by the parties after June 30, 2008, under subsection (c) is not:

- (1) a covenant that runs with the land; or
- (2) binding on the parties' successors in title to the real property.

~~(d)~~ (e) Subsection (c) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

SECTION 22. IC 36-4-3-9 IS REPEALED [EFFECTIVE JULY 1, 2008].

SECTION 23. [EFFECTIVE JULY 1, 2008] **SECTIONS 6 through 15 and SECTIONS 17, 18, and 20 of this act apply to annexation ordinances adopted after June 30, 2008.**

SECTION 24. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] **(a) A municipality may not adopt an annexation ordinance, other than an ordinance under IC 36-4-3-5 or IC 36-4-3-5.1, after January 1, 2008, and before July 1, 2008.**

(b) Any annexation ordinance adopted within the period specified in subsection (a) is void.

SECTION 25. [EFFECTIVE JULY 1, 2008] **(a) IC 6-1.1-18.5-3 and IC 6-1.1-18.5-13, both as amended by this act, apply only to property taxes first due and payable after**

2008.

(b) A civil taxing unit may appeal under IC 6-1.1-18.5-12 and IC 6-1.1-18.5-13(1), as amended by this act, regardless of whether the:

- (1) annexation;**
- (2) consolidation; or**
- (3) other extensions of governmental services by the civil taxing unit to additional geographic areas or persons;**

that resulted in increased costs that are the bases of the appeal occurred before 2009.

SECTION 26. **An emergency is declared for this act.**

(Reference is to SB 114 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Local Government and Elections.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Ethics has met pursuant to IC 2-2.1-3-6 to review the Senate Code of Ethics contained in Senate Rules 87 through 97, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Rules not be amended.

(Reference is to the Senate Standing Rules and Orders adopted November 21, 2006.)

DILLON, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Deig be added as coauthor of Senate Bill 51.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Joint Resolution 8.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Tallian, Charbonneau, Lanane, Zakas, Landske, and Jackman be added as coauthors of Senate Bill 45.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as

coauthor of Senate Joint Resolution 1.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Joint Resolution 1.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 20.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 20.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 19.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 19.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 17.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 12.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as

coauthor of Senate Bill 12.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 23.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Meeks, Boots, and Errington be added as coauthors of Senate Bill 16.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as second author of Senate Joint Resolution 2.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 15.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as third author and Senators Charbonneau and Deig be added as coauthors of Senate Bill 14.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second author of Senate Bill 37.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 1.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Joint Resolution 3.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Joint Resolution 8.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 59.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Jackman and Deig be added as coauthors of Senate Bill 21.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 114 and that Senator Drozda be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 114.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 107 and that Senator Riegsecker be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Senate Bill 4.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 14.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 18.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 10, 2008.

LONG

Motion prevailed.

The Senate adjourned at 2:08 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate